

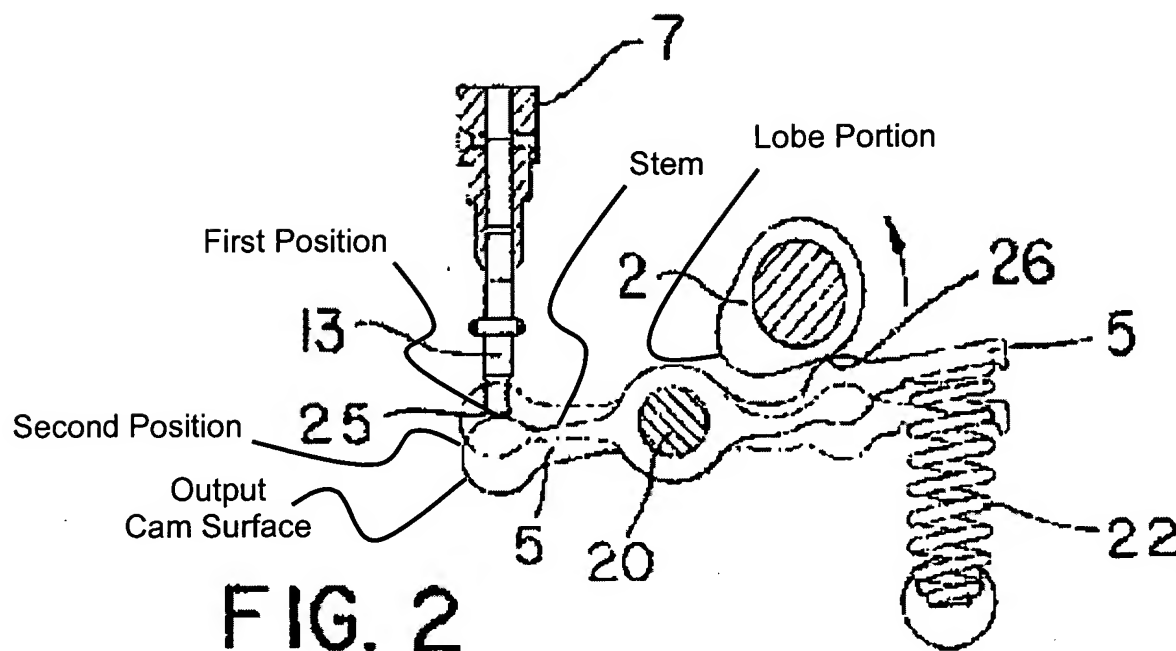
**Remarks**

Applicants respectfully request reconsideration of the present application in view of the following remarks. No claims have been amended, added or cancelled. Therefore, claims 1-21 remain pending in the present application.

Claim 21 has been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,540,207 to Absenger ("the Absenger reference"). Applicants respectfully traverse this rejection.

Claim 21 is directed to a variable valve actuation mechanism including a control shaft assembly, a body and a spring. The control shaft assembly is pivotable relative to a pivot axis and the body is pivotally disposed on the at least one control shaft assembly. The body includes an input cam follower and at least one output cam surface. The input cam follower is configured for engaging an input cam lobe and the at least one output cam surface is configured for engaging a corresponding output cam follower. Further, the at least one output cam surface comprises a base circle portion and a lift portion. The spring engages the body for biasing the input cam follower into engagement with the input cam lobe.

The Absenger reference does not teach or suggest a variable valve actuation mechanism including at least one output cam surface comprising a base circle portion and a lift portion as recited in claim 21. In rejecting claim 21, the Examiner has taken the position that the Absenger reference discloses a rocker arm (5) that includes an output cam surface (25). See *Final Office Action*, pg. 2. Figure 2 of the Absenger reference is set forth below:



Applicants agree that the Absenger reference discloses a rocker arm (5) that includes an output cam surface (25). However, the output cam surface (25) does not include a base circle portion and a lift portion. As best seen in FIG. 2 of the Absenger reference, the output cam surface (25) has a uniform curvature that is in contact with the plunger (13) as the rocker arm pivots about the axis (20). Specifically, when the input cam surface (26) is in contact with the base portion of the input cam (2), as shown in solid lines in FIG. 2, the plunger (13) will contact the output cam surface (25) at a first position. When the input cam surface (26) is in contact with the lobe portion of the input cam (2), as shown in dotted lines in FIG. 2, the plunger (13) will contact the output cam surface (25) at approximately a second position. Since the plunger (13) only comes into contact with an output cam surface (25) that has a uniform curvature, the Absenger reference does not teach or suggest an output cam surface that includes a base circle portion and a lift portion as recited

in claim 21. Moreover, the stem portion of the rocker arm (5) does not engage the plunger (13) as the rocker arm (50) pivots about the axis (20). Therefore, the stem portion cannot be described as a base circle portion or a lift portion.

For at least this reason, Applicants submit that the Absenger reference does not teach or suggest all of the limitations in claim 21. As such, Applicants request that the rejection of claim 21 be withdrawn.

Applicants acknowledge the allowance of claims 1-20.

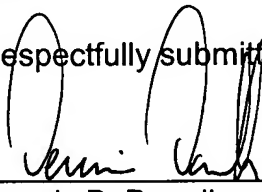
### **Conclusion**

In light of the foregoing, Applicants submit that, in addition to claims 1-20, claim 21 is in condition for allowance and such allowance is respectfully requested. Should the Examiner feel that any unresolved issues remain in this case, the undersigned may be contacted at the telephone number listed below to arrange for an issue resolving conference.

Applicants do not believe that any fee is due at this time; however, the Commissioner is hereby authorized to charge any fee that may have been overlooked to Deposit Account No. 10-0223.

Respectfully submitted,

Dated: 5/25/05

  
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